

FILED '06 MAR 14 15:46 USDC-ORE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

GERSON NUNEZ,

Civil No. 06-179-CO  
O R D E R

Petitioner,

vs.

CHARLES A. DANIELS, et al.,

Respondents.

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AIKEN, Judge:

Magistrate Judge Cooney filed his Findings and Recommendation on February 22, 2006. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When a party objects to any portion of the Magistrate's Findings and Recommendation, the district court must make a de novo determination of that portion of the Magistrate's report. 28 U.S.C. § 636(b)(1)(B); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Petitioner has timely filed objections. I have, therefore, given the file of this case a de novo review. I ADOPT the Magistrate's Findings and Recommendation (doc. 3) that petitioner's petition pursuant to 28 U.S.C. § 2241 is denied

1 without prejudice to seek review in the district of his  
2 incarceration. I agree that the District of Oregon is no longer  
3 the proper venue for petitioner's claims.

4 IT IS SO ORDERED.

5 Dated this 14 day of March 2006.

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10 Ann Aiken  
11 United States District Judge  
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